

TALKING NOTES FOR AMB. S. K. MAINA DURING THE WORLD FEDERATION OF UNITED NATIONS ASSOCIATIONS SYMPOSIUM ON 'WHAT WOULD DAG HAMMARSKJOLD THINK OF THE UN'S EMERGING NORM – *THE RESPONSIBILITY TO PROTECT*' ON 7TH JUNE, 2011 AT THE UN INFORMATION CENTER, NAIROBI.

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- Excellencies, distinguished guests, ladies and gentlemen, it is a great honour for me to join you during this auspicious occasion commemorating the 50<sup>th</sup> Anniversary of the death of Dag Hammarskjold, former United Nations Secretary General.
- At the outset, I wish applaud the organizers of this symposium for having made it possible, for us to gather at this venue.
- Further to this, I wish to acknowledge the profound contribution of Dag Hammarskjold towards peaceful resolution of conflicts.
- Although he strongly advocated for peaceful settlement of disputes and conflicts through mediation and negotiations, he was alive to the need for other States to act in self defence, and in the protection of its citizens. Responsibility to Protect.
- During his time, the world witnessed many protracted wars between weak states that saw military intervention of super powers. As we all know, Hammarskjöld was an advocate for the

smaller, weaker states and supported the UN and the importance of chapter 7 if a conflict was threatening international peace and security.

- Today, we are in a different political order and the nature of conflict has since changed to include many and varied actors with diverse interests. The emerging trends of conflicts include intra-state, with different factions of the same state being in conflict with each other or the Government of the day.
- Since the 2005 World Summit, the Responsibility to Protect principle has become more relevant with UN member states being more proactive in its application. The intra-state conflicts being witnessed today have left the citizenry unprotected from armed conflict, genocide and crimes against humanity.

**Mr. Chairman, Ladies and Gentlemen,**

- In today's scenario, I believe Dag Hammarskjöld would call upon the international community, through the United Nations, to use appropriate diplomatic, humanitarian and other peaceful means, to help protect populations from mass atrocities as outlined in the Responsibility to Protect norm.

- Indeed, the international community should take advantage of the existence of regional groups and organizations to come up with timely and decisive interventions to resolve disputes before they escalate to full blown conflicts, which expose populations to genocide, war crimes, ethnic cleansing and crimes against humanity.
- States should stress the need for the United Nations to continue considering the Responsibility to Protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the UN Charter and international law.
- In the dynamics of today's Conflicts, I further believe that, Dag Hammarskjold, would have encouraged cooperation and adherence to the United Nations Charter and relevant Security Council resolutions in light of upholding international peace and security and furthering the course of the Responsibility to Protect.
- It is important to note however, that moving the Responsibility to Protect from theory to practice remains a big challenge. For example should the international community intervene without the consent of the state and where are the parameters of sovereignty? A greater challenge is in ensuring that the scope and parameters of the Responsibility to Protect are well understood by the international community in all parts of the world.

**In conclusion, Mr. Chairman,**

- The debate around the concept must address the issues of sovereignty of States, whether it will be strengthened or weakened. Secondly, it must consider whether to improve the capacity of the international community to react decisively when states are either unable or unwilling to protect their own people.

**I thank you**